UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,521	10/31/2000	Alexander Sherman		7227

			EXAMINER
20873	7590	11/17/2004	KIANERSI, MITRA

LOCKE LIDDELL & SAPP LLP
ATTN: SUE COTT
2200 ROSS AVENUE
SUITE 2200
DALLAS, TX 75201-6776

ART UNIT	PAPER NUMBER
2145	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>24 June 2004</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-8,11 and 12</u> is/are pending in the application.

     4a) Of the above claim(s) <u>9 and 10</u> is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-8,11 and 12</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>31 October 2000</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892) ℮

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Arguments

Applicant's argument filed on June 21/2004 has been fully considered, but they are not persuasive.

Applicant on page 5, lines 18, argues that Garrity et al. reference does not disclose or teach a content delivery network wherein distributed content servers, network mapping servers and associated mechanisms track reporting and administration of content delivery services. Garrity et al. disclose an invention, which provide a method and apparatus for managing delivery of data in a communications system in which the communications system includes a network, content consumers connected to the network, and a data processing system connected to the network. The data processing system contains a storage device that stores content. A server in the data processing system sends content to subscribers of the content, and a push broker, wherein the push broker manages delivery of contents by the server to the content consumers. A process is spawned by the push broker, wherein the process has a plurality of modes of operation including a first mode of operation in which the process monitors an interface to a content provider for initiation of transmission of a content from the content provider; a second mode of operation, responsive to detecting establishment of the communications link, in which the process determines whether the transmission is a valid transmission; and a third mode of operation, responsive to a valid transmission, in which the process directs the server to transmit the content to the content consumers. Col 28, lines 27-47)

Applicant on page 5, lines 18, argues that in Garrity et al. reference "Removing an event" is not equivalent to the purging of previously stored data from a content server in a content delivery network. Garrity et al. reference in Fig. 11 disclose a flowchart of a process for managing content in a file store, and also in 15 disclose that a CP may specify a scheduled content as live or staged. Live content implies that the CP is responsible for transmission of the content to push broker 406 in server 400.This type of transmission or delivery of content is a live event. Staged content implies that CP server 402 for origination or transmission by push broker 406 stores the content. This type of transmission or delivery of content is a staged event.

Garrity et al. reference in 26 discloses that the process waits for user input in the GUI
(step 604). Upon detecting user input with the GUI, a determination is made as to
whether input is to maintain promotions (step 606). A promotion is content, such as a
commercial, a preview of upcoming content, or other informational data used to
occupy the system in appropriate intervals between scheduled content. The user at
the CP has decided to maintain promotions; the process then provides a free form
window in which the user maintains promotions (step 608). Afterwards, edits
are saved to promotions for the CP (step 610) with the process then returning
to step 602. With reference again to step 606, if the user does not choose to
maintain promotions, the process then determines whether the user action in the
GUI is to remove an event (step 612). If the user has chosen to remove an
event, the specified entry is removed (step 614). The event may be specified
in a number of ways in the GUI including selection by a mouse-controlled
pointer. Pending subscriptions to the event are then deleted (step 616), and
the removal of the event is logged to a cancellation log if the scheduled event
is removed before it is delivered (step 618), col 8, lines 54-60).
Because the arguments with respect to the allowableness of independent claims were
found unpersuasive, these same arguments are not persuasive with respect to the
other dependent claims.

Claims 1-12 have been examined.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented
and the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negated by the manner in which the invention was made.

Claim 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrity et al. (US. Patent No. 6,230205) and further in view of Dobbins et al. (US 2002/0066033.

1.   As per claims 4 and 5, Garrity et al. do not explicitly teach the step of issuing a notification that each content file identified in the aggregate purge request has been purged from the content delivery network and has been accepted for purging. However, Dobbins et al. in Fig. 6, teach a session cancellation by way of a messaging service corresponding to notification of cancellation. (Page 3, paragraph [0026]) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ Garrity idea of managing delivery of multimedia content in a communication system with Dobbins messaging service in order to improve managing delivery of content to a content consumer and also managing transfer of data within a communications system.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-3, 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Garrity et al. (US. Patent No. 6,230,205).

2.   As per claim 1, a method for identifying and removing given content files from a set of content servers in a content delivery network, (server sending a content, col 2, lines 34-35) and (CP server 402 allows a CP to manage delivery of content, col 6, lines 33) comprising:

-identifying content files to be removed from the content servers; (removing of specified entry, col 9, lines 12-13)

-pushing an aggregate purge request to each of a set of staging servers, each
aggregate purge request including an identifier for each content file to be removed
from the content servers; (CP server 402 removes subscriptions for cancelled
content from customer subscriptions/delivery status database 426. col 7, lines 225-29)
- (push broker manages delivery of contents, col 2, lines 35-37) and
-periodically, having each of the set of content servers obtain the aggregate purge
request from a given staging server, (the requesting content provider and when the
content may be transmitted to content consumers based on contents already
scheduled to be delivered from the number of content providers, col 2, lines 19-24)
and (initiation of transmission, col 2, lines 37-44) and

-at each content server, purging from the content server each content file
identified in the aggregate purge request. (determining a valid transmission, col 2, lines
44-47)

3.   As per claim 2, a method wherein the aggregate purge request is pushed to the
each of the set of staging servers over a secure link. (Fig.2 diagram of an operations
center (OC) and (IP security protocol for protection of data transfer, col 4, lines 37-41)

4.   As per claim 3, a method wherein the aggregate purge request is pulled from
the given staging server to each of the set of content servers over a secure link. (IP
security protocol for protection of data transfer, col 4, lines 37-41) and (different
mechanisms used for the protection of the data transfer, col 4, lines 37-40)

5.   As per claim 6, a method wherein the step of identifying the content files to be
removed from the content servers includes the step of verifying that a user requesting
removal is authorized to purge the content files. (consumers are verified by user
server, col 7, lines 11-12) and (user decides to remove an event, col 9, lines 11-13)
CP server 402 allows a CP to manage delivery of content, col 6, line 33).

6.   As per claim 7, a method wherein the user is a content delivery network
customer. (customer profile, col 7, lines 12-13)

7.   As per claim 8, a method wherein the user is a content delivery network
administrator. (manager 420) and (users are referred to as content consumer, col 3,
line 38)

8.   As per claim 11, a content delivery network wherein third party content is
cached on and served from a set of content servers in response to end user requests,
the improvement comprising:

-a purge mechanism for selectively identifying and removing given content files
from the set of content servers, comprising

9.   -a Web-based interface for identifying content files to be purged from the
content server; (GUI, may be a series of web pages, col 10, lines 33-34) and (CP
server 402 allows a CP to manage delivery of content, col 6, line 33).

-a purge server for receiving purge requests pushed from the Web-based
interface, validating each purge request, batching a set of purge requests into
an aggregate purge request; (server 402 for removing a cancelled content, col 7, line
26)

-a set of staging servers for receiving the aggregate purge request pushed from
the purge server; and code executing on a given content server for periodically polling
a given staging server for pulling the aggregate purge request, and for removing the
identified content files from the content server. (data is encoded by encoder, col 8,
lines 20-30) and (col 14, lines 26-30)

10.   As per claim 12, a content delivery network wherein the given content server
includes code for inhibiting data sharing between the given content server and another
content server in the content delivery network if a given purge request has already
been processed. (authorization of file transfer, col 15, lines 7-13) and (the server
processes/threads are appropriately synchronized to any shared data, Col 28, lines 27-
47)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (571) 272-3915. The examiner can normally be reached on 7:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mitra Kianersi
11/10/04

DAVID WILEY
PATENT EXAMINER
TECHNOLOGY CENTER 2100